

Article 9: GENERAL PERFORMANCE STANDARDS

Section 385.9.01: Purpose and Applicability

- (1) **Purpose.** The purpose of this Article is to indicate requirements for fences, drainage structures, earth filling/moving, fences, swimming pools, vehicle access, parking and circulation, off-street loading, exterior storage, exterior lighting, exterior communications equipment, exterior energy generation systems, vibration, noise, air pollution, odors, electromagnetic radiation, glare, heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials.
- (2) **Non-applicability to Agricultural and Single- and Two-family Residential Land Uses.** Except where a performance standard in this Article is specifically made applicable to agricultural, single- and two-family residential land uses in this Article, agricultural and single- and two-family residential land uses and structures are exempt from these requirements (but subdivisions intended for future residential use are not exempt).

Section 385.9.02: Stormwater Management, Earth Filling, and Excavating

- (1) **Stormwater Management and Erosion Control.** All stormwater management and erosion control improvements shall comply with all applicable City, County, State, and federal standards. The City encourages rain gardens, bioswales, and other similar natural forms of stormwater management and infiltration.
- (2) **Earth Filling and Excavating.** Earth filling and excavating activities include any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state. Earth filling and excavating activities shall not create drainage into other properties, impair natural drainage from other properties, or impede on-site drainage. Such activities shall further comply with other City, County, State, and federal standards.

Section 385.9.03: Fences, Landscape Walls, and Hedges

(1) Purpose

The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) Applicability

The requirements of this Section apply to all permanent fencing, landscape walls, and decorative posts.

(3) Standards

- (a) **Traffic Visibility.** All fences, walls, and hedges must comply with the vision clearance requirements of Section 385.9.07.

- (b) **Residential Fences**

1. **Front and Street Side Yard Fences.** For all residentially zoned land and residential uses, the maximum height of each fence, wall, or continuous hedge within the front or street side yard for a principal structure shall be four feet. Residential fences in a front or street side yard shall be decorative in nature and of semi-open designs such as non-pointed vertical picket, weaved lattice, or wrought iron bars; wire, chain, or exposed/reflective metal are not permitted. Front and street side yard fences, walls, and hedges shall be set back a minimum of five feet from any front or street side property line, and 18 inches from any other property line or six inches with written approval from the adjoining property owner.

2. Interior Side and Rear Yard Fences. For all residentially zoned land and residential uses, a fence, wall, or living hedge not exceeding five feet in height may be erected or planted within the interior side yard or rear yard, provided it is set back at least 18 inches from a property line or six inches with written approval from the adjoining property owner. Rear fences abutting a public right of way shall be set back a minimum of three feet from the property line.

(c) Non-Residential Fences

1. Security Fences. In non-residential zoning districts (except for residential uses located there), nearly transparent or low-opacity security fences not exceeding 7 feet in height measured from the base are permitted as close as 18 inches from any property line.
 2. Other Front and Street Side Yard Fences. In non-residential zoning districts (except for residential uses located there), the maximum height of each opaque or nearly opaque fence, wall, or continuous hedge within the front or street side yard shall be four feet. Such fence, wall, or continuous hedge shall be decorative in nature and set back a minimum of five feet from any front or street side property line, and 18 inches from any other property line or six inches with written approval from the adjoining property owner.
 3. Other Interior Side and Rear Yard Fences. In non-residential zoning districts (except for residential uses located there), a fence, wall, or living hedge not exceeding 7 feet in height may be erected or planted within an interior side or rear yard, provided it is set back at least 18 inches from any property line or six inches with written approval from the adjoining property owner.
- (d) Special purpose fences. Fences for special uses such as for swimming pools or kennels can be up to six feet in height.
- (e) Fences in the AT and P Zoning Districts. Fencing within the Agricultural Transition and Parks and Public Lands zoning districts shall be exempt from the requirements of this Section, except that all front and street side yard fences shall adhere to the front yard fence requirements for residential districts.
- (f) Setback Adjustments. Where applicable, the normal minimum setback of a fence facing an adjacent private property may be reduced to zero and/or connected to a neighboring fence so that one or more lengths of fence are used in common, provided that evidence is provided to the City that the all of the owners have entered and recorded against both lots a formal written agreement that:
1. Includes a clear description, location, and materials of the fence to be installed.
 2. Addresses and guarantees maintenance, cost sharing, access, and liability responsibilities.
 3. Indicates that such fence may not be removed or relocated unless both owners agree.
 4. Includes terms for the dissolution of the agreement.
 5. The Zoning Administrator agrees and issues a zoning permit.
- (g) Temporary Fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences. Temporary fences may be installed and maintained for a period not exceeding the term of construction, or 180 days if not associated with a construction project. Snow fences shall be removed by April 30.
- (h) Appearance. For each fence with a more finished or more decorative side, such side shall face toward the adjoining right-of-way.

- (i) **Construction and Maintenance.** All fences, landscape walls, or decorative posts shall be constructed and maintained in a structurally sound and attractive manner. Living hedges must be trimmed so that all limbs remain entirely within the property on which they are planted.
- (j) **Prohibited Fences**
 - 1. The use of a fence that delivers an electric shock is prohibited, except for electric fences used for the confinement of livestock or undomesticated animals in an agricultural district.
 - 2. The use of barbed wire, razor wire, or similar cutting wire is prohibited except:
 - a. In the Industrial zoning district, on top of a security fence on which the wire is a minimum of 7 feet above ground level and the wire section is directed inward.
 - b. For confinement of livestock or undomesticated animals in the AT district.
 - 3. Snow fences or other fences designed for temporary use shall not be used in a permanent application.

Section 385.9.04: Swimming Pools

- (1) **Applicability.** This section applies to all swimming pools as defined in Section 385.14.04, excluding pools exempted by that definition.
- (2) **Permit Required.** Before work is commenced on the construction or erection of a swimming pool or on any alterations, additions, remodeling, or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel, or add thereto must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required fee shall accompany such application.
- (3) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction unless the following construction requirements are observed:
 - (a) **Approved Materials.** All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all State regulations and with any and all ordinances of the City.
 - (b) **Plumbing.** All plumbing work shall be in accordance with all applicable local ordinances and all State codes and requirements. Every swimming pool shall be provided with a suitable draining method, meeting the requirements of subsection (7) below.
 - (c) **Electrical Installations.** All electrical installations, including lighting and heating, but not limited thereto, that are provided for, installed, and used in conjunction with a private swimming pool shall be in conformance with State laws and local ordinances regulating electrical installations.
- (4) **Placement and Setbacks.**
 - (a) Swimming pools shall be erected or constructed in rear or interior side yards only and only on a lot occupied by a principal building, or on an adjacent lot in the same ownership.
 - (b) All swimming pools shall meet the side and rear setback requirements applicable to accessory structures.
- (5) **Enclosure.**